

THE UNITED STATES PATENT AND TRADEMARK OFFICE

3627
#10

In re application of:

Group Art Unit: 3627

Darius J. Preisler

Examiner: Buchanan, C. R.

Serial No.: 09/620,581

Filed: July 20, 2000

For: OCCUPANT PROTECTION SYSTEM
FOR VEHICLE WITH AIR BAG

Attorney Docket No.: VEI 0319 PUS

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Mr. Christopher R. Buchanan

Sir:

The undersigned hereby petitions to withdraw the holding of abandonment of the above-identified application which was received in a Notice of Abandonment. The Notice of Abandonment, which was mailed on August 13, 2003 (a copy of which is enclosed), indicated the application as being abandoned as a result of Applicant's failure to timely submit an appeal brief.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Office of Patent Publications, 2231 Crystal Drive, Crystal Park III, Suite 920, Arlington, VA 22202, Attn: Mr. Christopher R. Buchanan, on:

September 5, 2003
Date of Deposit

Thomas W. Saur
Name of Person Signing


Signature

The Notice of Abandonment was issued in error. Applicant did, in fact, timely file an Appeal Brief within the two month period provided from the date the Patent and Trademark Office received the Notice of Appeal. On September 17, 2002, an Appeal Brief (in triplicate), and a \$320 check were mailed to the Patent and Trademark Office with an appropriate Certificate of Mailing signed by Mr. Pete N. Kiouisis. On September 26, 2002, Mr. Kiouisis received a date-stamped postcard (a copy of which is enclosed) back from the Patent and Trademark Office indicating that the Appeal Brief was received by the U.S. Patent and Trademark Office mailroom on September 23, 2002.

It appears that through an inadvertent error, the Appeal Brief never was matched to the file and forwarded to the Examiner resulting in the issuance of a Notice of Abandonment. It is hereby requested that the application be returned to active pending status and the case promptly forwarded to the Examiner for consideration.

As the error resulting in the Notice of Abandonment was a result of the actions of the Patent and Trademark Office, no fee is believed to be appropriate or necessary for this Petition. In the event, however, that the Patent Office determines that a fee is necessary, the Patent Office is authorized to charge Deposit Account No. 02-3978 for the Petition fee, without prejudice as seeking a later refund in order to return the application to active pending status -- a duplicate copy of this paper is enclosed for this purpose.

If the Patent Office has any questions regarding this communication, please do not hesitate to telephone the undersigned.

Respectfully submitted,

Darius J. Preisler

By 

Thomas W. Saur

Reg. No. 45,075

Attorney/Agent for Applicant

Date: September 5, 2003

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351



The "Received" Stamp of the Patent
& Trademark Office imprinted hereon
acknowledges the filing of:



Description of Paper: APPEAL BRIEF (in triplicate); \$320 check

Applicant: Preisler

Intf. or Serial No.: 09/620,581

Date: 9-17-02

Atty.: PNK/llr

File: VEI 0319 PUS

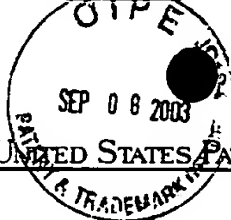
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/620,581 | 07/20/2000 | Darius J. Preister | VEI0319 PUS | 3553 |

22045 7590 08/13/2003

BROOKS & KUSHMAN
1000 TOWN CENTER 22ND FL
SOUTHFIELD, MI 48075

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| EXAMINER |
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BUCHANAN, CHRISTOPHER R

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3627

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

| | | |
|------------------------|---------------------|--|
| Application No. | Applicant(s) | |
| 09/620,581 | PREISLER, DARIUS J. | |
| Examiner | Art Unit | |
| Christopher R Buchanan | 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

A timely appeal brief has not been submitted by applicant.

Chris Buchanan 8/8/03

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[Signature] 8/11/03
Kenneth R. Rice
Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.